

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LUANN GILLESPIE SHULTZ,)
as Administratrix of the Estate of Amy L.)
Gillespie, Deceased,)
)
Plaintiff,)

v.)

2:10cv1530
Electronic Filing

ALLEGHENY COUNTY;)
ALLEGHENY CORRECTIONAL)
HEALTH SERVICES, INC.;)
RAMON C. RUSTIN; DANA PHILLIPS;)
JOHN AND JANE DOES NUMBERS)
1 THROUGH 5, individuals employed as)
medical staff at the Allegheny County Jail)
whose identities cannot presently be)
determined; and **JOHN AND JANE**)
DOES NUMBERS 6 THROUGH 10,)
individuals employed as Corrections)
Officers and Supervisors at the)
Allegheny County Jail whose identities)
cannot presently be determined,)
)
Defendants.)

MEMORANDUM ORDER

AND NOW, this 31st day of March, 2014, upon due consideration of [133] defendants Allegheny County Correctional Health Services, Inc. ("ACCHS") and Dana Phillips' emergency motion to quash subpoena and [134] plaintiff's response thereto, IT IS ORDERED that [133] the motion be, and the same hereby is, denied. Defendant ACCHS shall produce employee Valerie Slepisky for deposition at a time mutually convenient for the parties on or before April 4, 2014.

A defendant is required to produce its employees for deposition upon notice of deposition. Relevant information need not be admissible at the trial to be discoverable; what is required is that the discovery appears to be reasonably calculated to lead to the discovery of admissible evidence. Fed. R. Civ. P. 26. Post-event evidence may be admissible for purposes of proving the existence of a policy or custom. See Monaco v. City of Camden, CIV.A. 04-2406,

2008 WL 8738213 (D.N.J. Apr. 14, 2008) ("multiple courts have held that 'post-event evidence is not only admissible for purposes of proving the existence of a municipal defendant's policy or custom, but [it may be] highly probative with respect to that inquiry.'" (quoting Henry v. County of Shasta, 132 F.3d 512, 519 (9th Cir. 1997); see also Beck v. City of Pittsburgh, 89 F.3d 966, 973 (3d Cir. 1996) (post-incident evidence "may have evidentiary value for a jury's consideration [of] whether [policymakers] had a pattern of tacitly approving the use of excessive force").

s/ David Stewart Cercone
David Stewart Cercone
United States District Judge

cc: D. Aaron Rihn, Esquire
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(Via CM/ECF Electronic Filing)